

PATENT DOCKET: **207,361**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT:	VINES ET AL.	EXAMINER:
SERIAL NO.:	10/559,590	ART UNIT:
FILED:	December 2, 2005	
TITLE:	METHOD OF AND APPARATUS FOR MAGNETIC THERAPY	

August 18, 2006

**PETITION UNDER 37 C.F.R. §1.47(a)  
REFUSAL OF INVENTORS TO SIGN DECLARATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**ATTENTION: PCT LEGAL-PETITIONS**

SIR:

**STATEMENT OF FILING BY EXPRESS MAIL 37 C.F.R. §1.10**

This correspondence is being deposited with the United States Postal Service on August 18, 2006 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number ER 059 676 096 US addressed to the Honorable Commissioner for Patents and Trademarks, Washington, DC 20231.

1. I, JAY S. CINAMON, counsel for Peter Michael O'Neill and Biomed Holdings Pty., Ltd. ("BMH"), the Assignee herein, hereby petition that the enclosed Declaration Under 37 C.F.R. §1.47(a), which has been executed by Peter O'Neill who is a co-inventor herein and is also the Chairman of BMH be accepted and entered of record.
2. This Petition is being presented since one of the joint inventors of the subject patent application, namely, John E. Vines, has refused to sign the Declaration, even though he is obligated as a Director/Joint inventor employed by BMH to execute the Declaration.
3. Attached hereto in support of this Petition is a STATUTORY DECLARATION of Peter M. O'Neill.
4. John Edward Vines last known address is: 12 Pago Terrace, Pacific Pines, Queensland 4211, Australia.
5. The filing of this Petition under Rule 1.47(a) is necessary to preserve the rights of the parties or to prevent irreparable damage.
6. THEREFORE, Petitioner prays that this Rule 1.47(a) petition be granted.
7. The Petition Fee of \$130.00 is enclosed herewith.

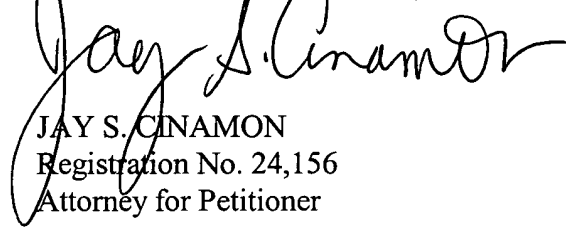
08/24/2006 GFREY1 00000148 10559590

03 FC:1464

130.00 OP

Please charge any other fees which may be due and which have not been submitted  
herewith to our Deposit Account No. 01-0035.

Respectfully submitted,



JAY S. CINAMON  
Registration No. 24,156  
Attorney for Petitioner

**ABELMAN FRAYNE & SCHWAB**  
666 Third Avenue  
New York, New York 10017-5612  
Tel. (212) 949-9022  
Fax(212)949-9190  
wd\ahearn\ 8 15 06 vines.petition 47

COMMONWEALTH OF AUSTRALIA

Patents Act 1990

IN THE MATTER of United States Patent  
Application No. 10/559,590 in the name of  
BIOMED HOLDINGS PTY LTD

**STATUTORY DECLARATION**

I, PETER MICHAEL O'NEILL of 512 Oyster Cove Promenade, Hope Island, in the State of Queensland 4212 do solemnly and sincerely declare as follows:-

1. I am Chairman of Biomed Holdings Pty Ltd (BMH), Australian Company No. 101 908 810, of PO Box 918, Nerang, 4211 in the State of Queensland, Commonwealth of Australia.
2. I have been Chairman of BMH since 3 September 2002, the date of formation of BMH.
3. The inventor of the invention described in US Patent Application 10/559,590, (the present application) John Edward Vines was appointed Director of BMH on 3 September 2002, the date of formation of BMH. Attached hereto PMO-1 is a printout of an enhanced historical extract from the Australian Securities and Investments Commission detailing the history of BMH.
4. On 2 June 2003, Nephi 7<sup>th</sup> Pty Ltd, Australian Company No. 104 947 702 was formed and change its name to Nephi Pty Ltd on 11 June 2003. Attached hereto and marked PMO-2 is an enhanced historical company extract from the Australian Securities and Investment Commission detailing the history of Nephi Pty Ltd.
5. On 3 June 2003, Australian Provisional Patent Application No. 2003902819 was filed in the name of Nephi 7<sup>th</sup> Pty Ltd. On 29 August 2003, Australian Provisional Patent Application No. 2003904676 was filed in the name of Nephi Pty Ltd. Attached hereto and marked PMO-3 are true copies of the certificates issued by the Australian government and as forwarded to the International Bureau of the World Intellectual Property Organisation. International Patent Application No. PCT/AU2004/000707 was filed on the international filing date of 3 June 2004 and claims priority from Australian Provisional Patent Application Nos. 2003902818 and 2003904676.
6. Sometime between 2 June 2003 and 10 June 2003, Nephi 7<sup>th</sup> Pty Ltd executed through its then sole director, Mr John Edward Vines (one and the same John Edward Vines being the inventor named in the present application) a Deed of Assignment assigning all its right, title and interest in the patent application (being that patent application filed 3 June 2003) without limitation and including all rights arising from letters patent granted as a result together with all corresponding rights obtainable in the territory (being the World) in respect of the inventions the subject of the patent application as well as all know how and technical information relating to the letters patent and all rights, powers, liberties and immunities arising or to arise therefrom. Attached hereto and marked exhibit PMO-4 is a copy of the Deed of Assignment in its entirety including the annexure comprising the specification of Australian Provisional Patent Application No. 2003902819 filed in the name of Nephi 7<sup>th</sup> Pty Ltd.
7. In January 2004, John Edward Vines started arguing with the other directors and shareholders of BMH and continued through June 2004. Amongst his demands was one that

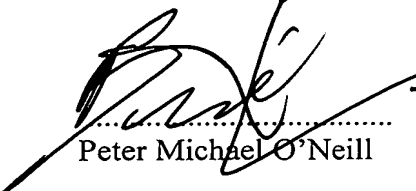
all intellectual property be transferred to his company. John Edward Vines refused to accept professional advice from patent attorneys and solicitors that his request was without foundation and unreasonable.

8. In about June 2004, John Edward Vines removed assets from the premises of BMH. On 30 June 2004, members of the Queensland Police Service were called to recover the assets removed from BMH by John Edward Vines.
9. On 31 July 2004, John Edward Vines requested a meeting with lawyers to demand that the intellectual property be transferred to him. The request was declined by the shareholders of BMH.
10. On 5 August 2004, John Edward Vines made new demands for intellectual property to be given to him and threatened that he would "wind up the company". In response to John Edward Vines' demands, BMH locked its office down to protect its assets. On 30 August 2004, a company meeting was held and John Edward Vines was removed as a Director BMH by vote of the remaining shareholders. On that same day, John Edward Vines threatened violence against some of the Directors and shareholders of BMH. John Edward Vines threats were reported to the Criminal Investigation Branch of the Queensland Police Service. In or about September 2004, John Edward Vines removed manufacturing equipment and other assets from the premises of a plastics manufacturer contracted by BMH, effectively stopping BMH from trading. John Edward Vines made contact with suppliers and associates of BMH giving untruthful advice to them that BMH was being closed down. John Edward Vines contacted BMH's telecommunications provider in an attempt to divert company telephones to himself.
11. In about October 2004, John Edward Vines was admitted to a hospital specialising in acute psychiatric disorders, but was released two weeks later.
12. John Edward Vines has continued from November 2004 to the present day to threaten violence and revenge on all Directors and shareholders of BMH. I am concerned that, given John Edward Vines' continued threats to me and others, any attempt to approach him to execute the required documents for the current United States Patent Application would jeopardize the personal safety of any person presenting such documents to him.
13. For the foregoing reasons, BMH has been unable to secure the signature of the inventor, John Edward Vines, on the documents necessary to secure rights of BMH in the invention assigned by the inventor to BMH in respect of the present application.

AND I MAKE this solemn declaration by virtue of the Statutory Declarations Act 1959, and subject to the penalties provided by that Act for the making of false statements in statutory declarations conscientiously believing the statements contained in the declaration to be true in every detail.

Declared at Brisbane, in the  
State of Queensland, this  
4<sup>th</sup> day of August, 2006

)  
)  
)

  
Peter Michael O'Neill

Before me:

  
.....  
Registered Patent Attorney

**COMMONWEALTH OF AUSTRALIA**  
***Patents Act 1990***

IN THE MATTER of United States Patent  
Application No. 10/559,590 in the name  
of BIOMED HOLDINGS PTY LTD

This is the Exhibit marked "PMO-1" which is referred to in the Statutory Declaration by Peter Michael O'Neill.

*BA* *BA*

DATED AND DECLARED AT BRISBANE THIS ~~5<sup>th</sup>~~ DAY OF ~~JUNE~~ 2006  
*6<sup>th</sup> August*

*[Signature]*

Australian Securities & Investments Commission Historical  
Extract for Organisation Number 101 908 810

This information was extracted from ASIC database on 02 June 2006 at 02:44PM

Section 1274B

This extract has been prepared by the Australian Securities & Investments Commission from information it obtained, by using a data processor, from the national database. If you believe that this extract contains any error or omission please advise the A.S.I.C. promptly. The Information Division of the Australian Securities & Investments Commission is certified under the Australian Quality Standard AS 3901 (International Standard ISO 9001).

101 908 810	BIOMED HOLDINGS PTY LTD	DOCUMENT NO.
ACN	: 101 908 810	
ABN	: 34 101 908 810	
Registered in	: Queensland	
Date registered	: 03-SEP-2002	
Review Date	: 03-SEP-2006	

Current Organisation Details

Name	: BIOMED HOLDINGS PTY LTD	0E7595911
Name Start	: 03-SEP-2002	
Status	: REGISTERED	
Type	: AUSTRALIAN PROPRIETARY COMPANY	
Class	: LIMITED BY SHARES	
Subclass	: PROPRIETARY COMPANY	
Disclosing Entity	: NO	

Registered Office

Address	: SUITE 5, 214 WATERWORKS ROAD, ASHGROVE, QLD 4060	0E8512692
Start Date	: 03-SEP-2002	(AR 2002)

Future Registered Office

Address	: PROUD ACCOUNTANTS, 142 SIGANTO DRIVE, OXENFORD, QLD 4210	7E0722637
Start Date	: 05-JUN-2006	

Former Registered Office

Address	: UNIT 5, 214 WATERWORKS ROAD, ASHGROVE, QLD 4060	0E7595911
Start Date	: 03-SEP-2002	
End Date	: 30-JAN-2003	

Principal Place of Business

Address	: 512 OYSTER COVE PROMENADE, HOPE ISLAND, QLD 4212	022307945
Start Date	: 03-OCT-2005	

Former Principal Place of Business

Address	: 7 CALCETTO PLACE, ARUNDEL, QLD 4214	0E7595911
Start Date	: 03-SEP-2002	
End Date	: 02-OCT-2005	

Director

Officer Name	: TRICKETT, CHRISTINE JANICE	019026070
ABN	: Not available	
Birth Details	: 01-JAN-1956 ROXBURGH NEW ZEALAND	
Address	: 51 VICTORIA DRIVE, JIMBOOMBA, QLD 4280	

Appointment Date : 31-AUG-2004

Officer Name : O'NEILL, PETER MICHAEL 022307945  
ABN : Not available  
Birth Details : 27-SEP-1943 ADELAIDE SA  
Address : 512 OYSTER COVE PROMENADE, HOPE ISLAND, QLD 4212  
Appointment Date : 03-SEP-2002

**Former Director**

Officer Name : VINES, JOHN EDWARD 018380047  
ABN : Not available  
Birth Details : 19-JUL-1946 LEICESTER UNITED KINGDOM  
Address : 12 PAGO PLACE, PACIFIC PINES, QLD 4211  
Appointment Date : 03-SEP-2002  
Cease Date : 30-AUG-2004

Officer Name : MITCHELL, GARY KEVIN 0E7595911  
ABN : Not available  
Birth Details : 27-MAR-1960 BRISBANE QLD  
Address : 30 VAGGELAS CRESCENT, BIGGERA WATERS, QLD 4216  
Appointment Date : 03-SEP-2002  
Cease Date : 03-SEP-2002

**Secretary**

Officer Name : EDWARDS, COLIN ADRIAN 018380047  
ABN : Not available  
Birth Details : 10-FEB-1942 SYDNEY NSW  
Address : 12 WELCOME STREET, CHAPEL HILL, QLD 4069  
Appointment Date : 03-SEP-2002

**Former Secretary**

Officer Name : MITCHELL, GARY KEVIN 0E7595911  
ABN : Not available  
Birth Details : 27-MAR-1960 BRISBANE QLD  
Address : 30 VAGGELAS CRESCENT, BIGGERA WATERS, QLD 4216  
Appointment Date : 03-SEP-2002  
Cease Date : 03-SEP-2002

**Current Issued Capital**

Type : Current 022682705  
Class : ORD  
ORDINARY SHARES  
Number of Shares/Interests issued : 4969502  
Total amount paid/taken to be paid : 1000810.00  
Total amount due and payable : 0.00

Note: Information on this extract such as Share Structure, Members and Ultimate Holding Company is obtained from the Company Annual Return. Care should be taken when using this information as it may have changed since the most recent Annual Return was processed by ASIC. Care should also be taken when using the member information as only the top twenty members in each class are listed on the extract. If no member details are shown it may be that the company has only recently been registered and has not yet lodged its first Annual Return.

**Current Members**

Class : ORD 020525885  
No. Held : 1  
Beneficially owned : YES Fully paid : YES

Name : VINES, JOHN EDWARD



ABN : Not available  
Address : 12 PAGO TERRACE, GAVEN, QLD 4211  
Joint holding: NO  
Class : ORD 022682705  
No. Held : 50  
Beneficially owned : YES Fully paid : YES

Name : TASMAN FALLS PTY. LTD.  
ACN : 005 954 094  
ABN : Not available  
Address : CC/- PORTFOLIO MANAGERS, LEVEL 4, 3 BOWEN CRESCENT, MELBOURNE, VIC 3004  
Joint holding: NO  
Class : ORD 022682705  
No. Held : 44833  
Beneficially owned : YES Fully paid : YES

Name : TASMAN FALLS PTY. LTD.  
ACN : 005 954 094  
ABN : Not available  
Address : CC/- PORTFOLIO MANAGERS, LEVEL 4, 3 BOWEN CRESCENT, MELBOURNE, VIC 3004  
Joint holding: NO  
Class : ORD 022682705  
No. Held : 4500  
Beneficially owned : YES Fully paid : YES

Name : NEPHI PTY LTD  
ACN : 104 947 702  
ABN : 65 104 947 702  
Address : 12 PAGO TERRACE, PACIFIC PINES, QLD 4211  
Joint holding: NO  
Class : ORD 022682705  
No. Held : 40  
Beneficially owned : YES Fully paid : YES

Name : JOSEPHS, ALEXANDER  
ABN : Not available  
Address : 17 KOUMALA STREET, MANSFIELD, QLD 4122  
Joint holding: YES

Name : JOSEPHS, KAY MARGARET  
ABN : Not available  
Address : 17 KOUMALA STREET, MANSFIELD, QLD 4122  
Joint holding: YES

Class : ORD 022682705  
No. Held : 35867  
Beneficially owned : YES Fully paid : YES

Name : JOSEPHS, ALEXANDER  
ABN : Not available  
Address : 17 KOUMALA STREET, MANSFIELD, QLD 4122  
Joint holding: YES

Name : JOSEPHS, KAY MARGARET  
ABN : Not available  
Address : 17 KOUMALA STREET, MANSFIELD, QLD 4122  
Joint holding: YES

Class : ORD 022682705  
No. Held : 120  
Beneficially owned : YES Fully paid : YES

Name : TRICKETT, CHRISTINE JANICE  
ABN : Not available  
Address : 52 VICTORIA DRIVE, JIMBOOMBA, QLD 4280  
Joint holding: NO

Class : ORD 022682705  
No. Held : 267600  
Beneficially owned : YES Fully paid : YES

Name : TRICKETT, CHRISTINE JANICE  
ABN : Not available  
Address : 52 VICTORIA DRIVE, JIMBOOMBA, QLD 4280  
Joint holding: NO

Class : ORD 022682705  
No. Held : 100  
Beneficially owned : YES Fully paid : YES

Name : GILBERT, ROBERT JOHN  
ABN : Not available  
Address : 15 LITTLETONDRIVE, HIGHFIELDS, QLD 4352  
Joint holding: YES

Name : GILBERT, ELIZABETH ANN  
ABN : Not available  
Address : 15 LITTLETONDRIVE, HIGHFIELDS, QLD 4352  
Joint holding: YES

Class : ORD 022682705  
No. Held : 89667  
Beneficially owned : YES Fully paid : YES

Name : GILBERT, ROBERT JOHN  
ABN : Not available  
Address : 15 LITTLETONDRIVE, HIGHFIELDS, QLD 4352  
Joint holding: YES

Name : GILBERT, ELIZABETH ANN  
ABN : Not available  
Address : 15 LITTLETONDRIVE, HIGHFIELDS, QLD 4352  
Joint holding: YES

Class : ORD 022682705  
No. Held : 60  
Beneficially owned : YES Fully paid : YES

Name : GEMMELL, DONALD JACK  
ABN : Not available  
Address : 61, PO BOX 93 REDBEACH AUCKLAND 14 NEW ZEALAND  
Joint holding: YES

Name : GEMMELL, PATRICIA ANN  
ABN : Not available  
Address : 61, PO BOX 93 REDBEACH AUCKLAND 14 NEW ZEALAND  
Joint holding: YES

Class : ORD 022682705  
No. Held : 53800  
Beneficially owned : YES Fully paid : YES

Name : GEMMELL, DONALD JACK  
ABN : Not available  
Address : 61, PO BOX 93 REDBEACH AUCKLAND 14 NEW ZEALAND  
Joint holding: YES

Name : GEMMELL, PATRICIA ANN  
ABN : Not available  
Address : 61, PO BOX 93 REDBEACH AUCKLAND 14 NEW ZEALAND

Joint holding: YES

Class : ORD 022682705  
No. Held : 107  
Beneficially owned : YES Fully paid : YES

Name : KLAEBE, KEN  
ABN : Not available  
Address : 7 AVERY STREET, NORMANHURST, NSW 2076

Joint holding: NO

Class : ORD 022682705  
No. Held : 95943  
Beneficially owned : YES Fully paid : YES

Name : KLAEBE, KEN  
ABN : Not available  
Address : 7 AVERY STREET, NORMANHURST, NSW 2076

Joint holding: NO

Class : ORD 022682705  
No. Held : 80  
Beneficially owned : YES Fully paid : YES

Name : CLARK, TIMOTHY BRIAN  
ABN : Not available  
Address : 25 BERRIGAN STREET, SOUTHPORT, QLD 4215

Joint holding: NO

Class : ORD 022682705  
No. Held : 71733  
Beneficially owned : YES Fully paid : YES

Name : CLARK, TIMOTHY BRIAN  
ABN : Not available  
Address : 25 BERRIGAN STREET, SOUTHPORT, QLD 4215

Joint holding: NO

Class : ORD 1F0026165  
No. Held : 790500  
Beneficially owned : YES Fully paid : YES

Name : PETERHON PTY LTD  
ACN : 088 903 708  
ABN : 71 088 903 708  
Address : 512 OYSTER COVE PROMENADE, HOPE ISLAND, QLD 4212

Joint holding: NO

Class : ORD 1F0026165  
No. Held : 3500001  
Beneficially owned : YES Fully paid : YES

Name : O'NEILL, PETER MICHAEL  
ABN : Not available  
Address : 512 OYSTER COVE PROMENADE, HOPE ISLAND, QLD 4212

Joint holding: NO

Class : ORD 1F0026165  
No. Held : 10000  
Beneficially owned : NO Fully paid : YES

Name : MINGELA PTY LTD  
ACN : 095 296 870  
ABN : 30 095 296 870  
Address : 278 INDOOROOPIILLY ROAD, INDOOROOPIILLY, QLD 4068

Joint holding: NO

Former Members

Class : ORD 022682705  
No. Held : 4500  
Beneficially owned : YES Fully paid : YES

Name : PETERHON PTY LTD  
ACN : 088 903 708  
ABN : 71 088 903 708  
Address : 512 OYSTER COVE PROMENADE, HOPE ISLAND, QLD 4212  
Joint holding: NO

Class : ORD 020525885  
No. Held : 22500  
Beneficially owned : YES Fully paid : YES

Name : NEPHI PTY LTD  
ACN : 104 947 702  
ABN : 65 104 947 702  
Address : 12 PAGO TERRACE, PACIFIC PINES, QLD 4211  
Joint holding: NO

Class : ORD1 0E8512692  
No. Held : 1 (AR 2002)  
Beneficially owned : YES Fully paid : YES

Name : VINES, JOHN EDWARD  
ABN : Not available  
Address : 12 PAGO TERRACE, GAVEN, QLD 4211  
Joint holding: NO

Class : ORD1 020525885  
No. Held : 22500  
Beneficially owned : YES Fully paid : YES

Name : NEPHI PTY LTD  
ACN : 104 947 702  
ABN : 65 104 947 702  
Address : 12 PAGO TERRACE, PACIFIC PINES, QLD 4211  
Joint holding: NO

Class : ORD1 022307945  
No. Held : 1  
Beneficially owned : YES Fully paid : YES

Name : ONEILL, PETER MICHAEL  
ABN : Not available  
Address : 512 OYSTER COVE PROMENADE, HOPE ISLAND, QLD 4212  
Joint holding: NO

Class : ORD1 020699675  
No. Held : 269300  
Beneficially owned : YES Fully paid : YES

Name : GEMMELL, DONALD JACK  
ABN : Not available  
Address : 61, PO BOX 93 REDBEACH AUCKLAND 14 NEW ZEALAND  
Joint holding: YES

Name : GEMMELL, PATRICIA ANN  
ABN : Not available  
Address : 61, PO BOX 93 REDBEACH AUCKLAND 14 NEW ZEALAND  
Joint holding: YES

Class : ORD1 020699675  
No. Held : 448833  
Beneficially owned : YES Fully paid : YES

Name : GILBERT, ROBERT JOHN

ABN : Not available  
Address : 15 LITTLETONDRIVE, HIGHFIELDS, QLD 4352  
Joint holding: YES

Name : GILBERT, ELIZABETH ANN  
ABN : Not available  
Address : 15 LITTLETONDRIVE, HIGHFIELDS, QLD 4352  
Joint holding: YES

Class : ORD1 7E0574550  
No. Held : 224417  
Beneficially owned : YES Fully paid : YES

Name : TASMAN FALLS PTY. LTD.  
ACN : 005 954 094  
ABN : Not available  
Address : CC/- PORTFOLIO MANAGERS, LEVEL 4, 3 BOWEN CRESCENT, MELBOURNE,  
VIC 3004  
Joint holding: NO

Class : ORD1 020699675  
No. Held : 21475000  
Beneficially owned : YES Fully paid : YES

Name : PETERHON PTY LTD  
ACN : 088 903 708  
ABN : 71 088 903 708  
Address : 512 OYSTER COVE PROMENADE, HOPE ISLAND, QLD 4212  
Joint holding: NO

Class : ORD1 020699675  
No. Held : 311279  
Beneficially owned : YES Fully paid : YES

Name : CLARK, TIMOTHY BRIAN  
ABN : Not available  
Address : 25 BERRIGAN STREET, SOUTHPORT, QLD 4215  
Joint holding: NO

Class : ORD1 020699675  
No. Held : 179533  
Beneficially owned : YES Fully paid : YES

Name : JOSEPHS, ALEXANDER  
ABN : Not available  
Address : 17 KOUMALA STREET, MANSFIELD, QLD 4122  
Joint holding: YES

Name : JOSEPHS, KAY MARGARET  
ABN : Not available  
Address : 17 KOUMALA STREET, MANSFIELD, QLD 4122  
Joint holding: YES

Class : ORD1 020699675  
No. Held : 1338600  
Beneficially owned : YES Fully paid : YES

Name : TRICKETT, CHRISTINE JANICE  
ABN : Not available  
Address : 52 VICTORIA DRIVE, JIMBOOMBA, QLD 4280  
Joint holding: NO

Class : ORD1 020699675  
No. Held : 479716  
Beneficially owned : YES Fully paid : YES

Name : KLAEBE, KEN  
ABN : Not available

Address : 7 AVERY STREET, NORMANHURST, NSW 2076  
Joint holding: NO

Document Details

Received	Form Type	Processed	No. Pages	Effective	
29-MAY-2006	484	29-MAY-2006	2	29-MAY-2006	7E0722637
484B	Change to Company Details Change of Registered Address				
22-MAY-2006	484	25-MAY-2006	7	25-MAY-2006	1F0026165
484	Change to Company Details				
484G	Notification of Share Issue				
484O	Changes to Share Structure				
484N	Changes to (Members) Share Holdings				
09-FEB-2006	2205	15-FEB-2006	16	06-FEB-2006	022682705
2205B	Notification of Resolution Relating to Shares Convert Shares Into Larger or Smaller Number				
22-DEC-2005	484	22-DEC-2005	2	22-DEC-2005	7E0574550
484A2	Change to Company Details Change Member Name or Address				
09-DEC-2005	484	16-DEC-2005	10	16-DEC-2005	020699675
484	CHANGE TO COMPANY DETAILS				
484G	NOTIFICATION OF SHARE ISSUE				
484O	CHANGES TO SHARE STRUCTURE				
484N	CHANGES TO (MEMBERS) SHARE HOLDINGS				
06-OCT-2005	484	07-OCT-2005	3	06-OCT-2005	022307945
484	CHANGE TO COMPANY DETAILS				
484C	CHANGE OF PRINCIPAL PLACE OF BUSINESS (ADDRESS)				
484A1	CHANGE OFFICEHOLDER NAME OR ADDRESS				
484A2	CHANGE MEMBER NAME OR ADDRESS				
02-SEP-2004	484	06-SEP-2004	4	06-SEP-2004	019026070
484E	CHANGE TO COMPANY DETAILS APPOINTMENT OR CESSATION OF A COMPANY OFFICEHOLDER				
23-AUG-2004	484	19-JAN-2006	13	23-AUG-2004	020525885
484	CHANGE TO COMPANY DETAILS				
484G	NOTIFICATION OF SHARE ISSUE				
484O	CHANGES TO SHARE STRUCTURE				
484N	CHANGES TO (MEMBERS) SHARE HOLDINGS				
31-JAN-2003	316	07-FEB-2003	3	31-JAN-2003	0E8512692
316L	ANNUAL RETURN - PROPRIETARY COMPANY				(AR 2002)
20-SEP-2002	370	30-SEP-2002	2	20-SEP-2002	018413211
370	NOTIFICATION BY OFFICEHOLDER OF RESIGNATION OR RETIREMENT				
	Updates 018 380 047				
20-SEP-2002	284	30-SEP-2002	1	03-SEP-2002	018413210
284A	NOTIFICATION OF SHARE CANCELLATION REDEEMABLE PREFERENCE SHARES				
09-SEP-2002	304	17-SEP-2002	5	03-SEP-2002	018380047
304A	NOTIFICATION OF CHANGE TO OFFICEHOLDERS OF AUSTRALIAN COMPANY				
	Updated by 018 413 211				
09-SEP-2002	207	19-SEP-2002	1	03-SEP-2002	018302611
207	NOTIFICATION OF SHARE ISSUE				
03-SEP-2002	201	03-SEP-2002	3	03-SEP-2002	0E7595911
201C	APPLICATION FOR REGISTRATION AS A PROPRIETARY COMPANY				

\*\*\* End of Extract \*\*\*



**Search Receipt**

Date/Time (AEST)	2-JUN-2006 14:44:54
Account	2000-1086
User Name	
Your Reference	BIO06 109
CONFIRM Reference	13584878
Transaction	ASIC Historic Organisation Extract
Search Criteria	BIOMED HOLDINGS PTY LTD
Value	\$21.25
GST	\$2.13
Price	\$23.38

**COMMONWEALTH OF AUSTRALIA**  
***Patents Act 1990***

IN THE MATTER of United States Patent  
Application No. 10/559,590 in the name  
of BIOMED HOLDINGS PTY LTD

This is the Exhibit marked "PMO-2" which is referred to in the Statutory Declaration by Peter Michael O'Neill.

DATED AND DECLARED AT BRISBANE THIS <sup>8<sup>th</sup></sup> DAY OF JUNE 2006  
<sub>4<sup>th</sup> August</sub>



B. Anderson



# Australian Securities & Investments Commission Historical Extract for Organisation Number 104 947 702

This information was extracted from ASIC database on 02 June 2006 at 03:20PM

## Section 1274B

This extract has been prepared by the Australian Securities & Investments Commission from information it obtained, by using a data processor, from the national database.

If you believe that this extract contains any error or omission please advise the A.S.I.C. promptly.

The Information Division of the Australian Securities & Investments Commission is certified under the Australian Quality Standard AS 3901 (International Standard ISO 9001).

**104 947 702      NEPHI PTY LTD**

**DOCUMENT NO.**

ACN : 104 947 702  
 ABN : 65 104 947 702  
 Registered in : Queensland  
 Date registered : 02-JUN-2003  
 Review Date : 02-JUN-2006

## Current Organisation Details

Name : NEPHI PTY LTD 019047371  
 Name Start : 11-JUN-2003  
 Status : REGISTERED  
 Type : AUSTRALIAN PROPRIETARY COMPANY  
 Class : LIMITED BY SHARES  
 Subclass : PROPRIETARY COMPANY  
 Disclosing Entity : NO

## Prior Organisation Details

Details Start : 02-JUN-2003 019020931  
 Details End : 10-JUN-2003  
 Name : NEPHIE 7TH PTY LTD  
 Name Start : 02-JUN-2003  
 Status : REGISTERED  
 Type : AUSTRALIAN PROPRIETARY COMPANY  
 Class : LIMITED BY SHARES  
 Subclass : PROPRIETARY COMPANY  
 Disclosing Entity : NO

## Registered Office

Address : 12 PAGO TERRACE, PACIFIC PINES, QLD 4211 019020931  
 Start Date : 02-JUN-2003

## Principal Place of Business

Address : 12 PAGO TERRACE, PACIFIC PINES, QLD 4211 019020931  
 Start Date : 02-JUN-2003

## Director

Officer Name : VINES, JOHN EDWARD 019020931  
 ABN : Not available  
 Birth Details : 19-JUL-1946 LEICESTER UNITED KINGDOM  
 Address : 12 PAGO PLACE, PACIFIC PINES, QLD 4211  
 Appointment Date : 02-JUN-2003

Officer Name : ROSS, GEORGE TIMOTHY 020247168  
 ABN : Not available  
 Birth Details : 01-MAY-1956 LONDON UNITED KINGDOM  
 Address : 192 NAPPER ROAD, PARKWOOD, QLD 4214

Appointment Date : 01-NOV-2004

Secretary

Officer Name	: VINES, JOHN EDWARD	019020931
ABN	: Not available	
Birth Details	: 19-JUL-1946 LEICESTER UNITED KINGDOM	
Address	: 12 PAGO PLACE, PACIFIC PINES, QLD 4211	
Appointment Date	: 02-JUN-2003	

Current Issued Capital

Type	: Current	020247168
Class	: ORD	
	ORDINARY SHARES	
Number of Shares/Interests issued	: 2	
Total amount paid/taken to be paid	: 2.00	
Total amount due and payable	: 0.00	

Note: Information on this extract such as Share Structure, Members and Ultimate Holding Company is obtained from the Company Annual Return. Care should be taken when using this information as it may have changed since the most recent Annual Return was processed by ASIC. Care should also be taken when using the member information as only the top twenty members in each class are listed on the extract. If no member details are shown it may be that the company has only recently been registered and has not yet lodged its first Annual Return.

Current Members

Class	: ORD	020247168
No. Held	: 1	
Beneficially owned	: YES	Fully paid : YES
Name	: ROSS, GEORGE TIMOTHY	
ABN	: Not available	
Address	: 192 NAPPER ROAD, PARKWOOD, QLD 4214	
Joint holding:	NO	

Class	: ORD	021304799
No. Held	: 1	
Beneficially owned	: YES	Fully paid : YES
Name	: VINES, ELISABETH PIETERDELLA	
ABN	: Not available	
Address	: PO BOX 24, ASHMORE CITY, QLD 4214	
Joint holding:	NO	

Former Members

Class	: ORD	020247168
No. Held	: 1	
Beneficially owned	: YES	Fully paid : YES
Name	: VINES, JOHN EDWARD	
ABN	: Not available	
Address	: 12 PAGO PLACE, PACIFIC PINES, QLD 4211	
Joint holding:	NO	

Charges

ASIC Charge Number	: 1192606	Charge status	: Registered
Date registered	: 09-AUG-2005	Time registered	: 14:05
Charge type	: Both Fixed & Floating		
Date Created	: 30-JUN-2005		

Chargee : G.T. & M.J. HOLDINGS PTY LTD  
: 100 757 328

Lodged	Form Type	Processed	No. Pages	
09-AUG-2005	309	09-AUG-2005	35	020964652
309	NOTIFICATION OF			
309A	DETAILS OF A CHARGE			

**Document Details**

Received	Form Type	Processed	No. Pages	Effective	
22-APR-2005	484	28-APR-2005	6	28-APR-2005	021304799
484N	Change to Company Details	Changes to (Members) Share Holdings			
02-NOV-2004	484	05-NOV-2004	8	05-NOV-2004	020247168
484	Change to Company Details				
484E	Appointment or Cessation of a Company Officeholder				
484G	Notification of Share Issue				
484O	Changes to Share Structure				
484N	Changes to (Members) Share Holdings				
11-JUN-2003	205	11-JUN-2003	1	11-JUN-2003	019047371
205A	Notification of Resolution Changing Company Name				
02-JUN-2003	201	02-JUN-2003	4	02-JUN-2003	019020931
201C	Application For Registration as a Proprietary Company				

\*\*\* End of Extract \*\*\*



**Search Receipt**

Date/Time (AEST)	2-JUN-2006 15:20:07
Account	2000-1086
User Name	
Your Reference	BIO06 109
CONFIRM Reference	13585734
Transaction	ASIC Historic Organisation Extract
Search Criteria	NEPHI PTY LTD
Value	\$21.25
GST	\$2.13
Price	\$23.38

**COMMONWEALTH OF AUSTRALIA**  
***Patents Act 1990***

IN THE MATTER of United States Patent  
Application No. 10/559,590 in the name  
of BIOMED HOLDINGS PTY LTD

This is the Exhibit marked "PMO-3" which is referred to in the Statutory Declaration by Peter Michael O'Neill.

DATED AND DECLARED AT BRISBANE THIS 16<sup>th</sup> DAY OF ~~JUNE~~ 2006

*4<sup>th</sup> August*

A large, stylized handwritten signature in black ink, likely belonging to Peter Michael O'Neill.

*B. Adorno*



Australian Government

PCT/AU2004/000707

REC'D 22 JUN 2004

WIPO

PCT

**PRIORITY  
DOCUMENT**

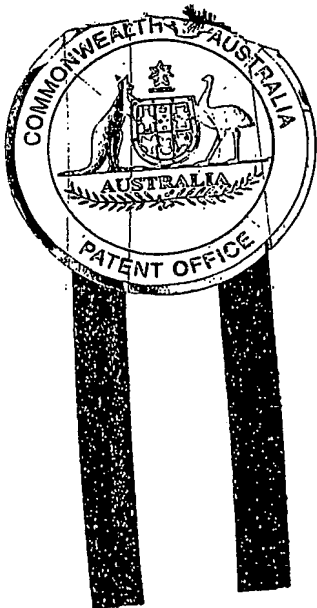
SUBMITTED OR TRANSMITTED IN  
COMPLIANCE WITH RULE 17.1(a) OR (b)

Patent Office  
Canberra

I, LEANNE MYNOTT, MANAGER EXAMINATION SUPPORT AND  
SALES hereby certify that annexed is a true copy of the Provisional specification  
in connection with Application No. 2003904676 for a patent by NEPHI PTY  
LTD as filed on 29 August 2003.

WITNESS my hand this  
Tenth day of June 2004

LEANNE MYNOTT  
MANAGER EXAMINATION SUPPORT  
AND SALES





Australian Government

REC'D 22 JUN 2004

WIPO

PCT

**PRIORITY  
DOCUMENT**

SUBMITTED OR TRANSMITTED IN  
COMPLIANCE WITH RULE 17.1(a) OR (b)

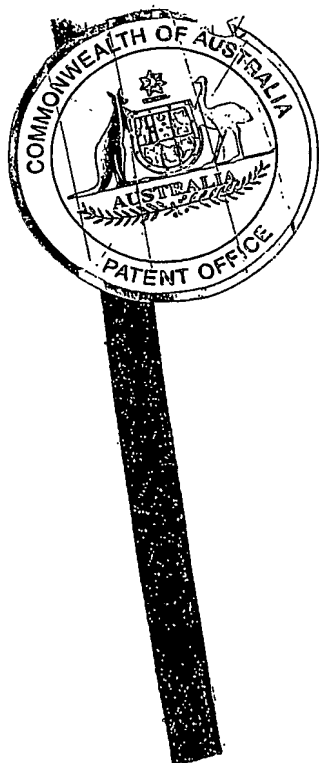
Patent Office  
Canberra

I, JULIE BILLINGSLEY, TEAM LEADER EXAMINATION SUPPORT AND  
SALES hereby certify that annexed is a true copy of the Provisional specification  
in connection with Application No. 2003902819 for a patent by NEPHIE 7TH  
PTY LTD as filed on 03 June 2003.

WITNESS my hand this  
Eleventh day of June 2004

A handwritten signature in cursive script, appearing to read "J. Billingsley".

JULIE BILLINGSLEY  
TEAM LEADER EXAMINATION  
SUPPORT AND SALES



**COMMONWEALTH OF AUSTRALIA**  
***Patents Act 1990***

IN THE MATTER of United States Patent  
Application No. 10/559,590 in the name  
of BIOMED HOLDINGS PTY LTD

This is the Exhibit marked "PMO-4" which is referred to in the Statutory Declaration by Peter Michael O'Neill.

DATED AND DECLARED AT BRISBANE THIS <sup>16<sup>th</sup></sup> ~~16<sup>th</sup>~~ DAY OF ~~JUNE~~ <sup>August</sup> 2006

A large, stylized handwritten signature in black ink, likely belonging to Peter Michael O'Neill, the declarant mentioned in the text above.

*B. Anderson*



**PARTIES:**

**NEPHI 7<sup>TH</sup> PTY LTD**

and

**BIOMED HOLDINGS PTY LTD**

**DEED OF ASSIGNMENT OF PATENT APPLICATION**

**Clarke and Kann**  
300 Queen Street  
BRISBANE 4000  
Phone: 61 7 3001 9222  
Fax: 61 7 3001 9299

143190\1  
mjn2482

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## DEED OF ASSIGNMENT OF PATENT APPLICATION

This Deed is made the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

**PARTIES:** **NEPHI 7<sup>TH</sup> PTY LTD ACN 104 947 702** of 12 Pago Terrace, Pacific Pines, Queensland ("Assignor")

**AND:** **BIOMED HOLDINGS PTY LTD ACN 101 908 810** of 7 Calcetto Place, Arundel, Queensland ("Assignee")

### BACKGROUND:

- A** The Assignor is named as the applicant in the Patent Application.
- B** The Assignor has agreed to assign to the Assignee all its right title and interest in the Patent Application to the Assignee including the right to apply for or obtaining corresponding Patent rights in any country of the Territory on the terms and conditions set out in this Deed.

### OPERATIVE PROVISIONS:

#### 1 DEFINITIONS AND INTERPRETATION

- 1.1** In the interpretation of this Deed, unless inconsistent with the subject or context each of the expressions defined in Part 1 of Schedule 1 shall have the meaning there assigned to it and the provisions of Part 2 of Schedule 1 shall apply.

#### 2 ASSIGNMENT

- 2.1** The Assignor assigns to the Assignee all its right, title and interest in the Patent Application. Without limitation, the Assignor's right, title and interest includes all the benefit of the Patent Application and all rights arising from Letters Patent granted as a result (the "Letters Patent") together with all corresponding rights obtainable in the Territory in respect of the invention(s) the subject of the Patent Application and in the priority dates of the Letters Patent that may issue and all know-how and technical information relating to the Letters Patent, and all rights, powers, liberties and immunities arising or to arise from the Letters Patent.
- 2.2** The right title and interest in the Patent Application assigned by the Assignor to the Assignee shall include all rights to copyright associated with the Patent Application as well as the benefit of the priority dates applicable to the Patent Application and all rights powers liberties and immunities arising or to arise from the Patent Application may be lawfully assigned by the Assignor.
- 2.3** The Assignor agrees that it will do all such things and execute all such further documents as may be reasonably necessary or desirable to give full force and effect to the assignment in this Deed, including the doing of such things and execution of such documents as may assist in the granting of any Letters Patent in the name of the Assignee pursuant to the Patent Application and in the case of default, the Assignor hereby appoints the Assignee as his attorney for such purpose.
- 2.4** The Assignor shall deliver forthwith to the Assignee all papers, plans, reports and other documentation relating to the rights assigned to the Assignee hereunder.

### **3 WARRANTIES**

- 3.1** The Assignor warrants and undertakes to the Assignee the truth and veracity of the matters listed in Clauses 3.2 to 3.7 inclusive.
- 3.2** John Edward Vines is nominated as the inventor in the Patent Application of the inventions which are the subject of the Patent Application.
- 3.3** The Assignor has not done or omitted to do or will hereafter do or omit to do any act or thing whatsoever whereby the Patent Application might be invalidated or otherwise prejudiced or affected or the due performance of the terms of this Deed hindered or prevented from taking effect as contemplated.
- 3.4** The Assignor is not aware of any reason why the Patent Application should by the Assignor not be successful and so far as it is aware no act has been done or omitted from being done that will prevent the Patent Application from proceeding to Letters Patent.
- 3.5** The Assignor is not aware of any act or circumstance any other person corporation or other entity which might amount to an infringement of any Letters Patent granted pursuant to the Patent Application or which might affect the validity of Letters Patent.
- 3.6** The Assignee shall at all times enjoy the full sole and absolute benefit of the Patent Application and any Letters Patent resulting therefrom when and if granted without any interruption disturbance or interference from or by the Assignor or any person claiming under or in trust for it.
- 3.7** The Patent Application has been made in the prescribed form and the prescribed manner.

### **4 INDEMNITY**

- 4.1** The Assignor will indemnify and forever hold harmless the Assignee against any losses, costs, actions, claims, demands, expenses, judgments, court orders or other liabilities of any nature arising directly or indirectly out of or in connection with any of the matters or circumstances set out in Clauses 4.2 to 4.4 inclusive.
- 4.2** Any breach by the Assignor of any of its warranties and undertakings contained in Part 3.
- 4.3** Any claim or action against the Assignee by any sub-licensee of the Assignee resulting from any breach of this Agreement by the Assignor.
- 4.4** Any claim made or threatened, whether by legal proceedings or otherwise, against the Assignee by a third party on the ground that by virtue of rights to which the third party lays claim, that third party is entitled to prevent or interfere with the free use of the invention confirmed with the Patent Application by the Assignee pursuant to this Deed.

### **5 PROSECUTION OF APPLICATION**

- 5.1** The Assignee shall be responsible, at its own cost, for preparation and lodgment of such documents as may be required from time to time to obtain the grant of Letters Patent.
- 5.2** The Assignor shall provide the Assignee with all reasonable assistance and information and execute all reasonable documentation as the Assignee may require, at the cost of the Assignee, so as to procure the grant of Letters Patent.

## **6 NOTICES**

**6.1** All notices and other communications provided for or permitted under this Deed or otherwise shall be sent by certified or registered mail with postage prepaid, by hand delivery or by facsimile transmission as follows:-

**a** if to the Assignor, to it at:-

Name: Nephi 7<sup>th</sup> Pty Ltd  
Address: 12 Pago Terrace, Pacific Pines, Queensland  
Attention: John Vines  
Fax No: 5529 8724

**b** if to the Assignee, to it at:-

Name: BioMed Holdings Pty Ltd  
Address: 7 Calcetto Place, Arundel, Queensland  
Attention: Peter O'Neill  
Fax No: 5594 7926

or to such other address or person as either party may specify by notice in writing to the other.

**6.2** All such notices or communications shall be deemed to have been duly given or made:-

**a** 7 days after being deposited in the mail with postage prepaid;

**b** when delivered by hand; and

**c** if sent by facsimile transmission, when receipt acknowledged.

**6.3** The parties hereto agree, pursuant to the Uniform Civil Procedure Rules of the Queensland Courts that any Claim and Statement of Claim or other process issued by any party to this Agreement may after filing be served on any other party to this Agreement by sending a facsimile copy of the Claim and Statement of Claim to such other party at that party's fax number set forth in Clause 6.1 above.

## **7 COSTS**

**7.1** Whether or not any of the transactions contemplated by this Deed are consummated, each party shall pay its own fees and expenses of and incidental to the negotiation, preparation and execution of this Deed, including the fees and disbursements of its lawyers and accountants, except that the Assignee shall pay all stamp duty on, or incidental to the execution of, this Deed and the formation or completion of the transactions contemplated.

## **8 COUNTERPARTS**

**8.1** This Deed may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

## **9 GOVERNING LAW**

**9.1** This Deed shall be governed by and construed in accordance with the law of Queensland and each of the parties hereby submits to the non-exclusive jurisdiction of the Queensland Courts.

**10 SEVERANCE**

- 10.1** In the event that any term or provision of this Deed for any reason whatsoever be acknowledged by the parties hereto, or be adjudged by a Court of competent jurisdiction or be held or rendered by any competent Government authority to be invalid, illegal or unenforceable, such term or provision shall be severed from the remainder of the terms and provisions of this Deed and shall be deemed never to have been part of this Deed and the remainder of the terms and provisions of this Deed shall subsist and remain in full force and effect unless the basic purpose or purposes of this Deed would thereby be defeated.

**11 SURVIVAL OF REMEDIES**

- 11.1** All remedies available to the Assignee in respect of any non-compliance with the warranties shall remain available and unaffected notwithstanding completion of the assignment.

**12 WAIVER**

- 12.1** No waiver by either party of any default in the strict and literal performance of or compliance with any provision condition or requirement herein shall be deemed to be a waiver of strict and literal performance of and compliance with any other provision, condition or requirement herein nor to be a waiver of or in any manner release either party from strict compliance with any provision condition or requirement in the future nor shall any delay or omission of either party to exercise any right hereunder in any manner impair the exercise of any such right accruing to it thereafter.

## SCHEDULE 1

### Part 1 - Definitions

In this Deed, unless the subject or context is inconsistent, each of the following expressions shall have the meaning assigned to it below:-

**Patent Application**

the Australian Patent Application lodged with the Australian Patent Office on <sup>June</sup> ~~July~~ 3, 2003, a copy of which is attached to this Deed marked "Annexure 1", being patent application n<sup>o</sup> 2003902819

**Territory**

the World.



### Part 2 - Interpretation

In this Deed, headings are for convenience only and shall not affect its interpretation. Except to the extent that the context otherwise requires:-

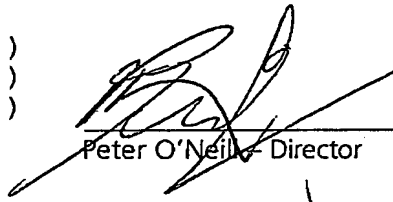

- a** reference to any statute or statutory provision shall include any modification or re-enactment of, or any legislative provisions substituted for, and all legislation and statutory instruments issued under such legislation or such provision;
- b** words denoting the singular shall include the plural and vice versa;
- c** words denoting individuals shall include corporations, associations, trustees, instrumentalities and partnerships and vice versa;
- d** words denoting any gender shall include all genders;
- e** references to Parties, Parts, Clauses, Annexures and Schedules are references to Parties, Parts, Clauses, Annexures and Schedules to this Deed as modified or varied from time to time;
- f** references to any document, deed or agreement shall include references to such document or agreement as amended, novated, supplemented, varied or replaced from time to time;
- g** references to any party to this Deed or any other document, deed or agreement shall, in the case of a company, its successors and/or assigns and, in the case of a natural person, his representatives and permitted assigns;
- h** all references to dates and times are to Brisbane time;
- i** all references to "\$" and "dollars" are to the lawful currency of Australia.

**Execution Page**

**EXECUTED by NEPHI 7<sup>TH</sup> PTY LTD**  
**ACN 104 947 702** in accordance with  
Section 127 of the Corporations Act 2001.

)  
)  
)  
  
\_\_\_\_\_  
John Vines – Sole Director and Sole Company  
Secretary

**EXECUTED by BIOMED HOLDINGS PTY**  
**LTD ACN 101 908 810** in accordance with  
Section 127 of the Corporations Act 2001.

)  
)  
)  
  
\_\_\_\_\_  
Peter O'Neill – Director  
  
  
\_\_\_\_\_  
John Vines – Director



**ANNEXURE 1**

**Patent Application**

TITLE

## SYSTEM, METHOD AND APPARATUS

FIELD OF THE INVENTION

5       The invention relates to a system, method and apparatus for treating medical conditions. In particular, although not exclusively, the invention relates to articles comprising non-invasive means for stimulating a plurality of acupoints in various regions of a body of a wearer of the article to treat conditions such as, but not limited to, incontinence and enuresis in the wearer.

BACKGROUND TO THE INVENTION

10       Acupuncture and acupressure are known methods of treatment of acute and chronic pain. These methods are also used for the treatment of conditions such as incontinence and a range of other medical conditions in the body. During  
15       acupuncture, needles are inserted into the skin and twisted over known and specific meridian points to trigger electric currents along the meridian pathways. Sometimes the needles are heated to intensify the treatment. During acupressure, pressure is applied to specific meridian points to achieve the same effect.

20       One drawback of acupuncture is its invasive nature and the experienced or anticipated pain involved deters many people from undergoing acupuncture. Another problem is that both acupuncture and acupressure require the patient to temporarily cease their everyday activities and, for example, lie down and/or remain stationary to enable an acupuncturist/acupressure expert to administer treatment.

The use of magnets to relieve pain and accelerate healing has also long been known. When permanent magnets are placed over known acupuncture/acupressure sites the electrical potential of the points changes, which causes a current to flow of the order of  $10\mu\text{A}$ . The electrical signal is transmitted to the meridians and the Central Nervous System (CNS) to achieve a beneficial therapeutic effect on the body. Blood flow in the capillaries is increased, thus speeding up fluid exchange at the pain/injury site. Although magnets are not considered to provide treatment as effective as acupuncture, magnetic treatment has the advantage over acupuncture that it is non-invasive and not painful. The World Health Organisation has also stated that the use of static magnets on the body have no detrimental effect for magnets with a magnetic field strength of up to 20,000 Gauss (2 Tesla).

The incorporation of magnets in a garment for treatment of medical conditions is disclosed in Chinese Patent Application CN 1282548 in the names of Ling Li and Dingxin Ge. CN 1282548 discloses a pair of underpants comprising circular magnets attached to the material of the underpants at the front and back of the underpants at positions corresponding to the acupoints of a wearer. Seven acupoints at the back of the body and four acupoints at the front of the body are covered by magnets. The underpants are for the treatment of senile enuresis, incontinence and other medical conditions.

One problem associated with the underpants of CN 1282548 is that although the magnets are attached to the pants such that they lie adjacent specific acupoints of the wearer, the pants are not of a design that maintains the magnets accurately in position. Movement of the pants during use can cause the magnets to move away from the acupoints of the wearer, thus reducing the efficacy of the

treatment. Another drawback of the underpants of CN 1282548 is that often the magnets attract each other and stick together making the pants difficult to put on. This can nullify the effect of the magnets on the acupoints.

The incorporation of magnets into other types of wearable articles used for the alleviation of pain is also known. For example, articles formed from flexible materials comprising one or more magnets are shaped to suit a body region, such as the waist, elbow or wrist and often include strips of Velcro® or other fastening means to secure the article in place. The effectiveness of such articles to alleviate pain relies on the correct positioning of the articles over the relevant area.

Another method for the treatment of conditions such as incontinence are pelvic floor (or Kegel) exercises, which are intended to exercise, strengthen and tone the pelvic floor muscles. However, people often find it difficult to correctly identify the pelvic floor muscles despite tuition, often because of severe muscle deterioration caused by childbirth, menopause or aging, or for other reasons. Consequently, the exercises are performed incorrectly, if at all, and very little benefit is gained.

Hence, there is a need for a method and/or system and/or article for the treatment of medical conditions such as incontinence, menstruation problems, nocturia and other conditions that is/are straightforward for a sufferer to use or follow, preferably without interfering substantially with their daily routine and which provide(s) effective treatment for their condition(s).

DISCLOSURE OF THE INVENTION

According to one aspect, although it need not be the only or indeed the broadest aspect, the invention resides in an article for the treatment of at least one medical condition, said article comprising:

5       at least one magnet held by at least one mounting member, said mounting member coupling said at least one magnet to said article;

wherein said at least one magnet lies adjacent a body region comprising at least one acupoint related to said medical condition, said at least one magnet stimulating said at least one acupoint.

10       Preferably, a plurality of magnets are held by each said mounting member and coupled to said article such that a plurality of acupoints in a plurality of body regions including at least a lumbar region, a sacral region, a perineal region and a lower abdominal region of the wearer are stimulated simultaneously.

15       Preferably, said magnets are rare earth Neodymium-Iron-Boron (NdFeB) magnets. Alternatively, said magnets may be Ferrite (Fe) magnets.

Preferably, said magnets are between about 10mm and about 25mm in diameter and between about 2mm and about 5 mm in thickness.

20       Suitably, the magnetic flux density of said magnets may be between about 9,000 and about 13,000 Gauss. Preferably, the magnetic flux density of said magnets is between about 10,000 and about 11,300 Gauss.

Alternatively, said magnets may be about 3mm in diameter with a magnetic flux density of between about 2,000 and 3,000 Gauss.

Preferably, said mounting members are coupled to said article substantially horizontally, substantially perpendicular to the wearer's spine.

25       Preferably, said magnets adjacent the lumbar region, sacral region and

lower abdominal region are have their north pole facing the body.

Preferably, one of said magnets adjacent the perineal region has its north pole facing the body and another of said magnets adjacent the perineal region has its south pole facing the body.

5            Preferably, said article is formed from a material comprising between about 87% and about 88% cotton and between about 11% and about 12% elastane.

According to another aspect, the invention resides in a system for the treatment of at least one medical condition in the pelvic region, said system comprising:

10           one or more articles worn by a wearer, each said article comprising at least one magnet held by at least one mounting member, said at least one mounting member coupling said at least one magnet to said article such that said at least one magnet lies adjacent a body region comprising at least one acupoint related to said medical condition, said at least one magnet stimulating said at least one  
15           acupoint;

                 a feedback device comprising:

                         a probe for insertion into an orifice in the pelvic region;

                         an inflation means coupled to the probe to inflate the probe;

                         a pressure gauge to measure and display a level of inflation of said

20           inflation means;

                 wherein said at least one magnet stimulates said at least one acupoint, said stimulation enabling said wearer to activate one or more of their pelvic floor muscles, said feedback device providing feedback to the wearer to confirm correct activation of said one or more pelvic floor muscles after said magnetic stimulation.

25           According to a further aspect, the invention resides in a method of treating

at least one medical condition, said method including the steps of:

stimulating at least one acupoint related to said medical condition using at least one magnet, said at least one magnet mounted on a mounting member coupled to an article worn by a wearer such that said at least one magnet lies adjacent a body region comprising the at least one acupoint;

identifying pelvic floor muscles using a feedback device, said feedback device comprising:

a probe for insertion into an orifice in the pelvic region;

an inflation means coupled to the probe to inflate the probe;

a pressure gauge to measure and display a level of inflation of said inflation means;

and

exercising said pelvic floor muscles according to prescribed pelvic floor exercises, correct activation of said pelvic floor muscles being confirmed by feedback from said feedback device.

The method may include the further step of simultaneously stimulating at least one acupoint about an ankle and/or lower leg using at least one magnet incorporated in an article worn about the ankle and/or lower leg.

Further aspects and features of the present invention will become apparent from the following detailed description.

#### BRIEF DESCRIPTION OF THE DRAWINGS

To assist in understanding the invention and to enable a person skilled in the art to put the invention into practical effect preferred embodiments of the invention will be described by way of example only with reference to the

accompanying drawings, wherein:

FIG 1 shows a front side view of one embodiment of the article of the present invention;

FIG 2 shows a rear view of the article shown in FIG 1;

5 FIG 3 shows a partially cutaway side view of the article shown in FIG 1;

FIG 4 shows an inflation means in the form of a deformable bulb coupled to a pressure gauge in the form of an aneroid sphygmomanometer and a tube;

FIG 5 shows a probe/sensor for insertion into an orifice and for coupling to the tube shown in FIG 4;

10 FIG 6 shows a flow chart of the method of the present invention; and

FIG 7 shows a mounting member for coupling the magnets to the article.

#### DETAILED DESCRIPTION OF THE INVENTION

15 According to one aspect, the present invention comprises one or more articles worn on or about the body, each article comprising at least one, but preferably a plurality of magnets to stimulate at least one and preferably a plurality of acupoints to treat at least one medical condition.

20 According to another aspect, the present invention is a system for the treatment of at least one medical condition. The system comprises one or more of the aforementioned articles worn adjacent a region of the body that comprises at least one acupoint related to the medical condition being treated. The system may also comprises a feedback device to aid a patient in identifying their pelvic floor muscles and to enable the patient to correctly perform pelvic floor exercises and monitor the condition of their pelvic floor muscles.



A further aspect of the invention is a method of treating medical conditions including the step of wearing for a specified period of time, one or more article comprising magnets on or about the body. For the treatment of certain medical conditions, such as urinary incontinence and enuresis, the method further includes the steps of using the feedback device to correctly identify pelvic floor muscles, performing pelvic floor exercises and monitoring the condition of the pelvic floor muscles.

Whilst it is known that the stimulation of specific acupoints affects particular parts of the body, as detailed in, for example, Acupuncture Charts, China Cultural Corporation, 5<sup>th</sup> Ed. (1996) ISBN 962 205 002 6, the Applicant has identified that it is not necessary to stimulate specific, individual acupoints. Instead, one or more suitably oriented magnets of suitable magnetic field strength can be employed to stimulate a plurality of acupoints in a region of the body comprising one or more acupoints related to the medical condition being treated. The relevant region of the body is thus flooded with the magnetic field from the one or more magnets.

With reference to FIGS 1-3, the article according to one aspect of the present invention may be in the form of an undergarment such as a pair of underpants 2. However, the article is not limited to such an embodiment and the article may be in the form of, for example, a knee strap, a lower leg sock or other body covering adapted to be worn on or around a specific region of the body.

The article is formed from a material that is soft to the touch and therefore comfortable to wear. The material of the article possesses elastic properties such that it conforms to the contours of the body region upon or about which the article is worn, thus preventing excessive movement of the magnets coupled to the article

away from their intended position adjacent the relevant region of the body. The material also needs sufficient structural integrity to accommodate one or more magnets. The Applicant has identified that a material comprising about 87-88% cotton and about 11-12% elastane (such as Lycra® or Spandex) is the most effective in fulfilling these requirements. The material is elasticised in two perpendicular directions ("two-way stretch") and only a single layer of the material is required for the article. The need for only a single layer prevents overheating of the body and the constituent materials allow the body to breathe, both of which are important considerations in the treatment of many medical conditions.

The article comprises at least one and preferably a plurality of magnets located on the article such that the magnet(s) lie adjacent the body generally in the region comprising the acupoints that are relevant to the condition to be treated.

The magnets have a magnetic field sufficiently strong to penetrate the wearer's skin and tissue and stimulate the acupoints to treat a particular condition.

The necessary penetration depth varies with the body weight and fat tissue of the wearer and the particular acupoint(s) to be stimulated. It is therefore important to use magnets that are sufficiently strong to penetrate the required depths for all applications. Therefore the magnets need to be sufficiently large to possess a sufficiently strong magnetic field, but cannot be too large otherwise the article will be uncomfortable to wear.

The Applicant has identified that rare earth Neodymium-Iron-Boron (NdFeB) or Ferrite (Fe) magnets available from, for example, Australian Magnet Technology Pty. Ltd. of New South Wales, Australia, are very effective. The magnets are sufficiently small that they are not uncomfortable for the wearer or externally visible or add a significant mass to that of the article. Circular magnets

having a diameter of between about 10mm and about 25mm and a thickness of between about 2mm and about 5 mm have been employed in the present invention. The Applicant has found that circular magnets having a diameter of about 10mm and a thickness of about 3mm and a diameter of about 25mm and a thickness of about 2mm are particularly effective. These magnets have a magnetic field strength of between about 9,000 Gauss and about 13,000 Gauss and in a preferred embodiment have a magnetic field strength of between about 10,000 Gauss and about 11,300 Gauss.

The magnets may comprise a coating to protect the magnets from corrosive materials and to protect the magnets during cleaning of the article to which they are attached. A Ni-Cu-Ni coating with a thickness of about 15-20 $\mu$ m is sufficient, which protects the magnet against temperatures up to about 100°C. Hence, the probability that the magnets will lose their magnetism when exposed to high temperatures during washing or cleaning is minimized or at least reduced.

An embodiment of the article will now be described with reference to the pair of underpants 2 shown in FIGS 1-3.

The underpants 2 are formed from the aforementioned two-way stretch material comprising about 87-88% cotton and about 11-12% elastane such as Lycra®, such that the underpants conform to the contours of the body 4 of the wearer. Circular NdFeB magnets are coupled to the material of the underpants 2 to maintain them in position and ensure that they are not dislodged by rough treatment. FIG 1 shows three pairs of magnets 6 mounted to the underpants such that they lie adjacent a lower abdominal region of the body 4. FIG 2 shows three pairs of magnets 8 mounted to the underpants such that they lie adjacent a sacral

region of the body 4 and one pair of magnets 10 mounted to the underpants such that they lie adjacent a lumbar region. FIG 3 shows the aforementioned magnets mounted in the lower abdominal, lumbar and sacral regions of the body and a pair of magnets 12 mounted to the underpants 2 such that they lie adjacent the perineum.

Mounting of the magnets to the underpants 2, could be achieved by any suitable means known in the art, such as stitching or using Velcro®. However, the Applicants have found that it is necessary to maintain the magnets, especially adjacent magnets, rigidly in position to prevent the magnets deforming the article due to the attractive magnetic force between the magnets.

Therefore, a mounting member, such as a substantially rigid strip 14, is used to mount a pair of magnets to the underpants 2. The strip may be made of any suitable material known to persons skilled in the art, such as polyurethane, PVC or other rigid, light polymer. In one embodiment, as shown in FIG 7, the strip 14 comprises a number of slits 16 into which the ends of the magnets 6, 8, 10 or 12 are inserted. The rigid strip thus maintains the magnets in position and prevents adjacent magnets from sticking together. Alternatively, the strip 14 may be made from two separate strips bonded together sandwiching the magnets therebetween. In this example, a first strip may comprise moulded recesses to accommodate the magnets and a second strip may be bonded to the first to maintain the magnets in position. It will be appreciated by persons skilled in the art that there are numerous alternative slit arrangements and/or recess arrangements that could be used to hold the magnets.

The strip may be removably inserted into one or more pockets formed in the material of the underpants or may be stitched to the underpants. Where pockets are employed, the pockets are made from a non-stretch material to prevent the magnets from twisting.

5        The mounting members in the form of strips 14 are coupled to the underpants in a substantially horizontal manner as shown in FIGS 1 and 2. Attaching the mounting members substantially horizontally rather than substantially vertically more effectively prevents clumping of the magnets. Substantially horizontal orientation of the magnets on the sacrum and lumbar  
10       areas for example causes the magnets to naturally "unclump" when the pants are pulled up by a patient.

In the embodiment shown in FIGS 1-3, the circular magnets 8,10 are 25mm in diameter and 2mm in thickness and are coupled to the underpants 2 via strips 12 such that the magnets lie adjacent the lumbar region and sacrum region in four  
15       pairs substantially horizontally, substantially perpendicular to the spine, with the north pole of the magnets 8, 10 facing the body 4. Six 25mm x 2mm magnets 6 are arranged in three pairs on the article substantially horizontally, substantially perpendicular to the spine adjacent the abdomen area with the north pole of the magnets 6 facing the body 4.

20       With reference to FIG 3, two 10mm x 3mm magnets 12 are attached to the underpants such that they lie adjacent the perineum area. Magnets 12 are located between about 6mm and about 12mm apart and preferably about 6mm apart with a north pole of one magnet facing the skin and the south pole of the other magnet facing the skin. This is important because it creates the following  
25       stimulation/capillary effect. The south-facing magnet constricts blood flow and the

north-facing magnet promotes blood flow. The south-facing magnet removes lactic acid and acts as an anti-inflammatory. The north-facing magnet dilates blood vessels to stimulate and promote blood flow into the muscles and tiny capillaries. One of the net effects is to increase oxygen within the blood thus helping to destroy anaerobic pathogens and increase nutrients. This acts to regenerate necrotic nerve endings leading to healthier muscle tissue and a clear pathway for electrical current to the CNS.

It will be appreciated that whilst the number and positions of the magnets shown in FIGS 1-3 achieves effective treatment of conditions such as incontinence, prostatic inflammation, faecal incontinence, bedwetting, period pain, menopausal problems, the treatment of other conditions may require an alternative number and alternative positioning of magnets over different and/or additional acupoint regions. However, the particular magnets selected by the Applicants enable the magnets to be located adjacent the body generally in the region of the acupoints relevant to the condition being treated. The magnetic field strength and penetration of the magnetic field produces a "flooding effect" whereby a plurality of acupoints in the adjacent body region are stimulated. This avoids the problems of accurately locating the acupoints and maintaining the magnets over these acupoints. The magnets are in the general region of the acupoints and may move naturally with the article as the wearer moves without any deterioration in the stimulation of the acupoints. The effective range of the 25mm diameter magnets is about 50mm beyond the edge of the magnet and the effective range of the 10mm diameter magnets is about 40mm beyond the edge of the magnet.

The underpants 2 may be in the form of conventional underpants and therefore may be worn at any time of day or night without inconvenience. The

pants 2 may be worn, for example, at night-time for approximately 6 to 8 hours, when a person is asleep. However, they can be worn between 18-24 hours per day. Wearing the pants 2 for longer than 6 to 8 hours per day will result in improvement in conditions such as incontinence in a shorter timeframe. The

5 Applicants have found that an initial treatment period of 5-16 weeks results in a measurable reduction in incontinence being experienced. However, in some cases, measurable improvements have been identified after a treatment period of as little as a week or less. Although patients can stop wearing the article at this time, it is recommended that they continue to be worn at least twice a week for the  
10 same time periods for the next 12 months to reduce the chance of incontinence returning.

Since pelvic floor muscles are known to aid treatment of certain medical conditions in the pelvic region, such as urinary and faecal incontinence and enuresis, pelvic floor exercises are to be employed in accordance with the present  
15 invention. Once treatment with the aforementioned underpants 2 has been undertaken for the recommended period, the wearer uses feedback device 50 (shown in FIGS 4 and 5) to help correct identification of the pelvic floor muscles, thus addressing one of the problems inherent in performing pelvic floor exercises.

With reference to FIGS 4 and 5, feedback device 50 comprises inflation  
20 means in the form of deformable bulb 52 coupled to a pressure gauge in the form of an aneroid sphygmomanometer 54. Bulb 52 and aneroid sphygmomanometer 54 are coupled via tube 56 to a probe/sensor 58, which is for insertion into an orifice in the pelvic region. When the probe is inserted into the vagina or anus, bulb 52 is pumped to inflate probe 58, the level of inflation being indicated on the  
25 gauge. When the pelvic floor muscles are correctly identified and exercised,

aneroid sphygmomanometer 54 will register a deflection in the needle position on the gauge. Release valve 60 is coupled between bulb 52 and aneroid sphygmomanometer 54 to enable inflation or deflation of probe 58.

Once the pelvic floor muscles can be identified, known pelvic floor muscle (Kegel) exercises can be performed to strengthen the pelvic floor muscles. The probe and gauge can be used to determine the strength and/or tone of the muscles, thus providing feedback that improves these muscles. The biofeedback system also provides resistance for pelvic floor exercises thus increasing the tone and strength of these muscles.

Wearing of underpants 2 comprising the magnets that stimulate the acupoints, coupled with feedback device 50 and the pelvic floor exercises combine to provide the treatment method of the present invention that substantially reduces or eliminates one or more of the following conditions: incontinence, overactive bladder (OAB), faecal incontinence, bedwetting, prostrate conditions, enuresis, menopause problems, period pain. The method of the present invention is summarised in the flow chart in FIG 6. Article 2 stimulates the CNS via specific acupuncture points and revitalizes receptors of the pelvic floor nerves / muscles and related sites. After a period of stimulation, usually a period of weeks, the pelvic floor muscles are able to respond better to the CNS and can be exercised properly.

Nerve impulses are transmitted through the body by neurons, which are distinguished according to their general function: receptor or sensory neurons, motor neurons and interneurons. Interneurons form the largest group in the nervous system and they form connections between themselves and sensory neurons before transmission of control to motor neurons. The connecting axon



between dendrites and terminal buttons in a neuron are protected by the myelin sheath. The myelin sheath can become compromised by low-grade chronic infections, which interfere with the neural transmission from the brain to receptor sites, such as muscles and nerve endings, and receptor sites to the brain, which  
5 can become one of the major underlying causes of incontinence.

Magnetic impulses from the magnets of the article of the present invention cause blood perfusion into the cells of the pelvic area, which helps restore the myelin sheath back to a normal and healthy state (without infections), which enables neural transmissions to function correctly in the incontinent person.  
10 Restoring the myelin sheath integrity enables the complex urinary system to perform correctly and reduce or eliminate incontinence.

The magnets of underpants 2 simultaneously stimulate the BL23 acupoint in the lumbar region and the BL25 acupoint on the abdomen for the treatment of, for example, incontinence. However, stimulation of the acupoint BL40 on the back  
15 of the knee is also known to treat incontinence and the Applicant has found that simultaneous stimulation of these three sites produces effective treatment of various conditions in and around the pelvic region to stimulate, strengthen and tone the pelvic floor muscles. Therefore, the article comprising magnets may be in the form of a knee strap comprising magnets, the knee strap formed from the  
20 same material as the underpants described above. One or more magnets, about 25mm or about 10mm in diameter may be employed in these articles. Alternatively, magnets about 3mm in diameter having a magnetic flux density of about 2,500 Gauss may be employed.

Other acupoints in the ankle and lower leg are also known to be related to the treatment of at least incontinence. The acupoints are located below the ankle and above the ankle on the inside of the foot/ankle. Therefore, article 2 may be in the form of a toeless and possibly heelless sock that covers one or more of the  
5    aforementioned acupoints about the ankle and lower leg. One or more magnets, such as those used in article 2, is incorporated by any suitable means into the toeless/heelless sock and the magnets located such that when the sock is worn, the one or more magnets lie adjacent the acupoints in the ankle and lower leg. Mounting members as previously described herein may be employed to couple the  
10    magnets to the sock and to prevent the magnets from clumping together.

The toeless/heelless sock may be worn in addition to or as an alternative to article 2. In particular, the sock may be worn with shoes during the day to maintain treatment if, for example, the patient does not wish to wear the article 2, whether in the form of the underpants or the knee strap, during the day. It has  
15    been found that wearing the sock speeds up treatment of, for example, incontinence in the wearer.

Other applications of the invention include, but are not limited to, revitalizing and toning the pelvic floor muscles; toning and strengthening of the vaginal wall to enhance physical intimacy; reducing period pain and menopausal symptoms;  
20    treating fecal incontinence, enuresis, overactive bladder, prolapsed uterus, impotence, nocturia, lower abdominal pain, menorrhagia and prostrate problems.

Throughout the specification the aim has been to describe the invention without limiting the invention to any one embodiment or specific collection of features. Persons skilled in the relevant art may realize variations from the

specific embodiments that will nonetheless fall within the scope of the invention. For example, it is envisaged that more than two magnets may be mounted to a single mounting member if required.

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